

IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF UTAH
IN AND FOR UINTAH COUNTY

ELMER HUBER AND ROY HUBER,

Plaintiff,

vs.

DEEP CREEK IRRIGATION COMPANY,

Defendant

MOSBY IRRIGATION CO., a Corp.,

Intervenors.

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ORDER MODIFYING RESTRAINING ORDER

Civil No. 3067

This matter came before the court on motion by Mosby Irrigation Company Intervenors, to set aside verbal restraining order given by Judge Dunford on the 12th day of April, 1955, wherein the court made an order verbally restraining the intervenors from putting water into Deep Creek Channel until they had complied with Section 73-3-20 of the Utah Code, annotated 1953. The defendants Ollie W. Justice and Orlando Cook were represented in court by Ray E. Nash, of Counsel and Ray E. Dillman representing the Mosby Irrigation Company Intervenors. Arguments and statements together with documentary and verbal testimony was presented and the court being fully informed makes its order modifying said verbal restraining order as follows.

It is hereby ordered and judged and decreed that the modified restraining order of the court made on April 12, 1955, in open court is to continue to remain in full force and effect until the 27th day of June 1955, unless, or until Judge Dunford makes further order in this matter, before said date and in case no other order is made by Judge Dunfor, then it is the order of this court, that the restraining order made on April 12, 1955, in open court, shall be lifted and set aside and vacated subject, however, that the intervenors shall respect the rights of the party using Deep Creek and in particular that intervenor does not interfere with the existng rights of Ollie Justice and Orlando Cook. The regulation of the water will be under the supervision of the State Engineer and all the parties will be subject and bound by such regulation and control.

Signed and dated this 9th day of June A.D. 1955.

By the Court /s/ Joseph E. Nelson - Judge

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